IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition Nos.18498, 19312 and 19313 of 1995

Dated: July 19, 2006

W.P.No.18498 of 1995

Between:

M.V. Krishna, S/o. Gopalakrishna, aged 33 years, Hindu, R/o. Komarole, Prakasam District, and others.

… Petitioners

And

The Mandal Parishad Development Officer, Mandal Parishad, Komarole, Prakasam District, and others.

… Respondents

W.P.No.19312 of 1995

Between:

Vegendla Nageswara Rao, S/o. Sree Ramulu, Aged 30 years, Kakuturivari Palem, Tangatur Mandal, Prakasam District, and others.

… Petitioners

And

The Mandal Parishad Development Officer, Mandal Parishad, Komarole, Prakasam District, and others.

W.P.No.19313 of 1995

Between:

Shaik Jani Basha, S/o. Saida, aged 34 years, M.P.H. School, R/o. Chinnanadipadu, Parchur Mandal, Prakasam District.

… Petitioner

And

The Mandal Parishad Development Officer, Mandal Parishad,
Komarole, Prakasam District, and others.

… Respondents

Common order:

All the three writ petitions involve substantially similar issues and are therefore considered together and disposed of by this common order.

2. These writ petitions have been filed questioning the notices issued by the first respondent, the Mandal Parishad Development Officers of Prakasam District, calling for explanation of the petitioners as to why they should not be removed from their services. It is the case of the petitioners that they were appointed as School Assistants in various schools based on certificates alleged to have been issued to them by the Karnataka Secondary Education Examination Board, Bangalore. On receipt of some complaints against the petitioners, an officer was deputed to verify the genuineness of the certificates produced by the petitioners at the time of their appointment. The petitioners were issued show cause notices as to why their services should not be terminated as they are working on the basis of a bogus certificates issued by the Karantaka Secondary Education Examination Board, Bangalore, which is challenged in these writ petitions.

3. Counter affidavit has been filed by the respondents in W.P.No.19313 of 1995, stating that it has come to light that the board referred above did not issue the said certificates to the petitioners. It is further stated that though the petitioners failed in the examination conducted by the said board, they have produced bogus certificates in order to get appointment.

4. It is to be seen that the impugned proceedings are only show cause notices issued to the petitioners. Petitioners could have submitted their explanation to the said show cause notices issued to them. The law is well settled that no writ petition is maintainable against a show cause notice. To the same effect is also the decision of this Court in **K.M. Safiullah V. A.P. State Wakf Board**[1]**.** Unless there is total lack of jurisdiction for issuance of such a show cause notice, ordinarily, this court cannot interfere at this stage to entertain a petition under Article 226 of the Constitution of India. When a statutory authority issues a show cause notice, the recipient of the show cause notice has ample opportunity to approach the quasi-judicial authority to place his/her case before such authority that will decide in accordance with law. If any order passed by the quasi-judicial authority goes against the person, it is always open to such person to avail the remedy of appeal and then approach this Court under Article 226 of the Constitution, if it is permissible under law. A writ petition against a show cause notice is, ordinarily, not maintainable. Further, having regard to the serious allegations levelled against the petitioners that they have produced bogus certificates in order to get appointed, there is absolutely no ground to interfere with the impugned proceedings at this stage.

5. The writ petitions are devoid of merits and are accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 19, 2006
MRR

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[1] **2003 (2) ALT 253**